

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**HOWARD DRAPER,
Petitioner,**

v.

**CIVIL ACTION NO. 1:05CV22
(BROADWATER)**

**KEVIN JAMES WENDT,
Respondent.**

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated June 15, 2006. The Petitioner did not file objections to the Report and Recommendation.

Accordingly, after reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted. The Court **ORDERS** that the Petition be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the Petitioner and all counsel of record herein.

DATED this 14th day of May 2004.


**W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE**

